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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/600,433	06/23/2003	Takehiro Yoshida	03560.003313.	5618
5514 7590 04/19/2007 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			EXAMINER WORKU, NEGUSSIE	
			ART UNIT	PAPER NUMBER
			2625	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		04/19/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/600,433

Applicant(s)

YOSHIDA ET AL.

Examiner

Negussie Worku

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 July 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 14-20 is/are allowed.
- 6) ☒ Claim(s) 21-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date see attachment.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

1. This Office action is in replay to application filed June 23, 2003, in which, claims 1 through 23 are pending. Claims 14, 17, 18, 19, 21 and 22 are independent. Claims 15, 16, 20 and 23 are dependent.

Priority

2. Acknowledgment is made of applicant's claim for foreign priority based on an application filed on June 23, 2003. It is noted, however, that applicant has not filed a certified copy of the application as required by 35 U.S.C. 119(b).

Information Disclosure Statement

3. The information disclosure statement (IDS) submitted on 02/15/07, 10/02/03 and 01/08/07, have been reviewed. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the examiner is considering the information disclosure statement.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. The claimed invention lacks patentable utility. Regarding to claim 21 and 22, a process completed program step, but lacks utility, wherein "a program capable of

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performing a communication ” should be replaced by “a computer-readable medium encoded with computer-executable program.” Claim 23, is also rejected for depending upon rejected claim 22.

Allowable Subject Matter

6. Claims 14-20, are allowed. The following is a statement of reasons for the indication of allowable subject matter: Claims 14-20, are allowed for the reason the prior art searched and of record neither anticipates nor suggests the claimed invention disclosed in the application filed on 06/23/2003, and as further indicated below.

As to claims 14-16, 18, a the prior arts do not teach or disclose a reception control changing means for changing reception control in response to detection of the success in receiving the short training and detection of the high-speed data, wherein if, after a CFR signal is transmitted, the high speed data is detected and the success in receiving the short training is also detected, said reception control changing means does not set the training information, which was stored when the long training information is received, into the modem, and wherein if, after the CFR signal is transmitted, the high-speed data is detected but the success in receiving the short training is not detected, said reception control changing means sets the training information, which was stored when the long training information is received, into the modem.

With respect to claim 17, 19-20 are allowed for the reason the prior art searched and of record neither anticipates nor suggests a training execution means for performing long training and short first training information acquisition means for acquiring first training information on the basis of training performed by the execution means; second training information acquisition means for acquiring second training information on the basis of training performed by said execution means~ after the acquisition of the first training information by said first training information acquisition means; receiving means for receiving information in accordance with the second training information acquired by said second training information acquisition means; success-in-training detection means for detecting success in training; high-speed carrier detection means/br detecting a high-speed carrier.

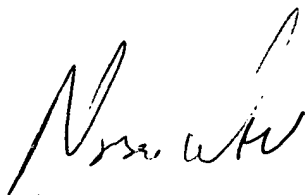
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Negussie Worku whose telephone number is 571-272-7472. The examiner can normally be reached on 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Aung Moe can be reached on 571-272-7314. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

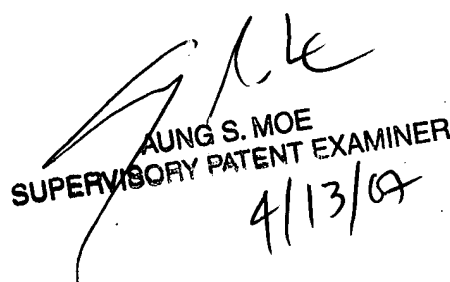
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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Negussie Worku

03/17/07



AUNG S. MOE
SUPERVISORY PATENT EXAMINER
4/13/07